

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

16 Cr. 832 (KMK)

v.

NICHOLAS TARTAGLIONE,

Defendant.

**ORDER GRANTING DEFENDANT ACCESS TO
METROPOLITAN CORRECTIONAL CENTER ("MCC")**

Nicholas Tartaglione ("the defendant"), having requested access to certain areas of the Metropolitan Correctional Center ("MCC") in New York, New York, and the Government having consented to such access, the Court hereby finds and orders as follows:

1. On September 30, 2021, the defendant's counsel shall be provided access to the following areas of the MCC: (a) all cells in which the defendant has been held since his arrival at the MCC on December 16, 2016, including any Special Housing Unit ("SHU") facilities, and; (b) all common areas to which the defendant has had access including, but not limited to, any medical treatment, legal visit, library, recreation, and/or exercise facilities.

2. While at the MCC, the defense shall be permitted to obtain photographs of any of the areas listed in Paragraph 1. An MCC staff member shall take any photographs as directed by defense counsel.

3. Access to the MCC pursuant to this Order shall be limited to: (a) two members of the defense team; and (b) one attorney from the government.

4. During their visit, the parties' representatives shall not attempt to communicate with any MCC personnel or inmates.

5. Following the visit, the appropriate MCC personnel shall have the opportunity to review and approve all photographs for any security issues. Following this process, the photographs shall be released to the defense and to the government.

6. No party shall provide any photographs obtained pursuant to this Order, or any copies thereof, to any third party or make any public disclosure of the same, other than in a court filing, unless specifically authorized by the Court. If a party files a pleading that contains or attaches any of the photographs, or any copies thereof, that filing must be under seal.

7. The photographs obtained pursuant to this Order, and any copies thereof, may only be used for the specific purpose of preparing or presenting a defense in this matter unless specifically authorized by the Court.

8. The parties stipulate that any photograph obtained pursuant to this Order shall be admissible in evidence in this proceeding as a fair and accurate representation of the location depicted in such photograph at the time the photograph was taken.

9. This Court shall retain jurisdiction to modify this Order upon motion of either party even after the conclusion of district court proceedings in this case.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney

by: Jason M. Swergold
Maureen Comey / Jason Swergold
Assistant United States Attorneys

Date: 9/27/2021



Bruce Barket, Esq.
Counsel for Nicholas Tartaglione

Date: 9/28/2021

SO ORDERED:

Dated: White Plains, New York
September 29, 2021



HONORABLE KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE